

City Council  
Atlanta, Georgia

**07-O-0258**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**Z-06-135**  
Date Filed: 12-12-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1393 Ellsworth Drive, N.W./1291, 1293, 1295, 1315, 1455 and 1429 Fairmont Avenue, N.W./1296, 1338, 1365, 1385, 1385A, 1310, 1314, 1339, 1335, 1331, 1329, 1327, 1319, 1315, 1333, 1305, 1310, 1295, 1289, 1285, 1291, 1351 English Street, N.W./0, 1021, 1039, 1031, 1025, 991 Huff Road, N.W./1314, 1313, 1309, 1291, 1292 Booth Avenue, N.W./1370 Culpepper Street, N.W. and 1284, 1288, 1324, 1336, 1340, 1368, 1296, 1373, 1363 Boyd Avenue, N.W.** be changed from the I-1 (Light Industrial) and I-2 (Heavy Industrial) Districts to the PDMU (Planned Development Mixed Use) District, to wit:

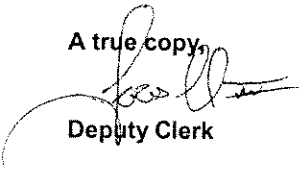
ALL THAT TRACT or parcel of land lying and being in Land Lots 187 and 188 17<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

  
Deputy Clerk

ADOPTED as amended by the Council  
APPROVED by the Mayor

MAY 07, 2007  
MAY 14, 2007



LEGAL DESCRIPTION  
TRACT 1

All that parcel of land lying and being in Land Lot 188, 17<sup>th</sup> District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at an iron pin found at the intersection of the western side of a 50 foot right of way of Fairmont Avenue and the Northern line of Land Lot 188, common with Land Lot 187, said point being the TRUE POINT OF BEGINNING; Thence along said right of way of Fairmont Avenue South 00 degrees 39 minutes 45 seconds West, a distance of 1,476.50 feet to an iron pin found; Thence leaving said right of way of Fairmont Avenue North 89 degrees 35 minutes 57 seconds West, a distance of 727.64 feet to an iron pin found; Thence South 01 degrees 14 minutes 47 seconds West, a distance of 146.52 feet to a point; Thence North 43 degrees 02 minutes 21 seconds West, a distance of 330.19 feet to a point; Thence South 87 degrees 32 minutes 32 seconds West, a distance of 460.83 feet to a point on the eastern side of a 60 foot right of way of Ellsworth Industrial Boulevard (a.k.a. Ellsworth Industrial Drive)(a.k.a. Ellsworth Drive); Thence along said right of way of Ellsworth Industrial Boulevard North 00 degrees 40 minutes 22 seconds West, a distance of 71.38 feet to a point; Thence leaving said right of way of Ellsworth Industrial Boulevard North 87 degrees 32 minutes 35 seconds East, a distance of 205.83 feet to a point; Thence North 00 degrees 00 minutes 10 seconds West, a distance of 260.68 feet to a point; Thence South 80 degrees 03 minutes 37 seconds East, a distance of 44.95 feet to a point; Thence along a curve to the left having a radius of 310.69 feet, an arc length of 395.91 feet, with a chord bearing of North 63 degrees 26 minutes 03 seconds East, with a chord distance of 369.66 feet; thence North 04 degrees 16 minutes 27 seconds East, a distance of 122.17 feet to a point; Thence North 17 degrees 38 minutes 58 seconds East, a distance of 10.19 feet to an iron pin found; Thence North 06 degrees 13 minutes 05 seconds West, a distance of 169.78 feet to a crimp top pipe found; Thence South 89 degrees 43 minutes 04 seconds East, a distance of 116.58 feet to a crimp top pipe found; Thence South 03 degrees 37 minutes 43 seconds West, a distance of 98.92 feet to an open top pipe found; Thence South 86 degrees 10 minutes 36 seconds East, a distance of 233.13 feet to a point in the centerline of an unnamed creek; Thence continuing long the centerline of the creek North 25 degrees 00 minutes 25 seconds West, a distance of 47.02 feet to a point; Thence continuing long the centerline of the creek North 03 degrees 51 minutes 16 seconds East, a distance of 46.22 feet to a point; Thence continuing long the centerline of the creek North 23 degrees 01 minutes 22 seconds West, a distance of 20.12 feet to a point; Thence continuing long the centerline of the creek North 57 degrees 19 minutes 24 seconds East, a distance of 8.45 feet to a point; Thence continuing long the centerline of the creek South 82 degrees 52 minutes 32 seconds East, a distance of 21.07 feet to a point; Thence continuing long the centerline of the creek South 32 degrees 22 minutes 53 seconds East, a distance of 21.59 feet to a point; Thence continuing long the centerline of the creek South 70 degrees 18 minutes 07 seconds East, a distance of 6.52 feet to a point; Thence continuing long the centerline of the creek North 51 degrees 46 minutes 33 seconds East, a distance of 9.85 feet to a point; Thence continuing long the centerline of the creek North 24 degrees 25 minutes 46 seconds East, a distance of 101.36 feet to a point; Thence continuing long the centerline of the creek North 07 degrees 30 minutes 41 seconds East, a distance of 20.07 feet to a point; Thence continuing long the centerline of the creek North 15 degrees 05 minutes 15 seconds West, a distance of 70.23 feet to a point; Thence continuing long the centerline of the creek North 39 degrees 10 minutes 20 seconds East, a distance of 35.89 feet to a point; Thence continuing long the centerline of the creek North 49 degrees 46 minutes 33 seconds East, a distance of 88.97 feet to a point; Thence continuing long the centerline of the creek North 75 degrees 53 minutes 34 seconds East, a distance of 25.75 feet to a point; Thence

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continuing long the centerline of the creek South 53 degrees 14 minutes 26 seconds East, a distance of 27.51 feet to a point; Thence continuing long the centerline of the creek North 64 degrees 44 minutes 39 seconds East, a distance of 26.98 feet to a point; Thence continuing long the centerline of the creek North 39 degrees 29 minutes 33 seconds East, a distance of 69.34 feet to a point ; Thence continuing long the centerline of the creek North 17 degrees 28 minutes 08 seconds East, a distance of 116.71 feet to a point; Thence continuing long the centerline of the creek North 29 degrees 46 minutes 47 seconds East, a distance of 44.63 feet to a point; Thence continuing long the centerline of the creek South 88 degrees 50 minutes 40 seconds East, a distance of 12.53 feet to a point; Thence continuing long the centerline of the creek North 51 degrees 37 minutes 08 seconds East, a distance of 237.63 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 1,046,386 square feet, or 24.021 acres of land, more or less.

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LEGAL DESCRIPTION  
TRACT 2

All that parcel of land lying and being in Land Lot 188, 17<sup>th</sup> District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at a point located at the intersection of the eastern side of a 50 foot right of way of Fairmont Road and the northern side of a 45 foot right of way of Culpepper Street, said point being the TRUE POINT OF BEGINNING; Thence continuing along said right of way of Fairmont Road North 00 degrees 39 minutes 08 seconds East, a distance of 753.14 feet to an iron pin found; Thence leaving said right of way of Fairmont Road South 89 degrees 25 minutes 53 seconds East, a distance of 299.63 feet to an iron pin found; Thence South 00 degrees 36 minutes 20 seconds West, a distance of 442.71 feet to a point; Thence North 88 degrees 12 minutes 53 seconds East, a distance of 255.50 feet to a iron pin found on the western side of a 60 foot right of way of English Street; Thence along said right of way of English Street South 36 degrees 01 minutes 25 seconds West, a distance of 156.61 feet to a point; Thence along said right of way of English Street along a curve to the left having a radius of 343.52 feet, an arc length of 204.43 feet, with a chord bearing of South 18 degrees 58 minutes 31 seconds West, with a chord distance of 201.43 feet to a point located at the intersection of said right of way of English Street and said right of way of Culpepper Street; Thence along said right of way of Culpepper Street North 89 degrees 44 minutes 59 seconds West, a distance of 401.29 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 274,451 square feet, or 6.300 acres, more or less.

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LEGAL DESCRIPTION

TRACT 3

All that parcel of land lying and being in Land Lot 188, 17<sup>th</sup> District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at a iron pin found at the intersection of the eastern side of a 50 foot right of way of Fairmont Avenue and the northern side of a variable right of way of Huff Road, said point being the TRUE POINT OF BEGINNING; Thence continuing along said right of way of Fairmont Avenue North 00 degrees 25 minutes 39 seconds East, a distance of 105.32 feet to a point; Thence continuing along said right of way of Fairmont Avenue North 01 degrees 06 minutes 14 seconds East, a distance of 135.82 feet to a iron pin found; Thence continuing along said right of way of Fairmont Avenue North 01 degrees 07 minutes 14 seconds East, a distance of 32.04 feet to a iron pin found; Thence continuing along said right of way of Fairmont Avenue North 01 degrees 08 minutes 45 seconds East, a distance of 32.01 feet to a point; Thence continuing along said right of way of Fairmont Avenue North 01 degrees 05 minutes 04 seconds East, a distance of 96.00 feet to a iron pin found; Thence continuing along said right of way of Fairmont Avenue North 01 degrees 07 minutes 54 seconds East, a distance of 48.00 feet to a point found at the intersection of said right of way of Fairmont Avenue and the southern side of a 30 foot right of way (not open) of Division Street; Thence along said right of way of Division Street South 89 degrees 53 minutes 08 seconds East, a distance of 191.37 feet to a point located at the intersection of said right of way of Division Street and the western side of a 40 foot right of way (not open) of Booth Avenue; Thence along said right of way of Booth Avenue South 01 degrees 07 minutes 47 seconds West, a distance of 48.00 feet to a iron pin found; Thence continuing along said right of way of Booth Avenue South 01 degrees 06 minutes 48 seconds West, a distance of 192.02 feet to a iron pin found; Thence continuing along said right of way of Booth Avenue South 00 degrees 16 minutes 09 seconds East, a distance of 103.84 feet to a iron pin found; Thence continuing along said right of way of Booth Avenue South 00 degrees 00 minutes 47 seconds East, a distance of 99.96 feet to a point located at the intersection of said right of way of Booth Avenue and the northern side of a variable right of way of Huff Road; Thence along said right of way of Huff Road North 89 degrees 54 minutes 03 seconds West, a distance of 96.04 feet to a iron pin found; Thence continuing along said right of way of Huff Road South 89 degrees 13 minutes 58 seconds West, a distance of 16.03 feet to a point; Thence continuing along said right of way of Huff Road along a curve to the left having a radius of 674.42 feet, an arc length of 82.76 feet, with a chord bearing of South 86 degrees 35 minutes 48 seconds West, with a chord distance of 82.71 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 85,498 square feet, or 1.962 acres of land, more or less.

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LEGAL DESCRIPTION  
TRACT 4

All that parcel of land lying and being in Land Lot 188, 17<sup>th</sup> District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at a point located at the intersection of the northern side of a variable right of way of Huff Road and the Eastern side of a 40 foot right of way (not open) of Booth Avenue, said point being the TRUE POINT OF BEGINNING; Thence along Booth Avenue North 00 degrees 55 minutes 11 seconds East, a distance of 254.54 feet to a point; Thence leaving said right of way of Booth Avenue South 89 degrees 44 minutes 15 seconds East, a distance of 191.41 feet to a point on the western side of a 60 foot right of way of English Street; Thence along said right of way of English Street South 00 degrees 55 minutes 11 seconds West, a distance of 254.55 feet to a point located at the intersection of said right of way of English Street and the northern side of a variable right of way of Huff Road; Thence along said right of way of Huff Road South 85 degrees 34 minutes 17 seconds West, a distance of 15.97 feet to a point; Thence continuing along said right of way of Huff Road South 88 degrees 12 minutes 27 seconds West, a distance of 43.81 feet to a point; Thence continuing along said right of way of Huff North 89 degrees 06 minutes 45 seconds West, a distance of 35.08 feet to a point; Thence continuing along said right of way of Huff North 88 degrees 15 minutes 26 seconds West, a distance of 96.67 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 49,036 square feet, or 1.125 acres of land more or less.

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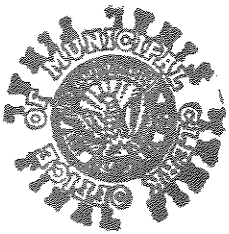
LEGAL DESCRIPTION  
TRACT 5

All that parcel of land lying and being in Land Lot 188, 17<sup>th</sup> District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at a point located at the intersection of the southern side of a 45 foot right of way of Culpepper Street and the eastern side of a 40 foot right of way (not open) of Booth Avenue, said point being the TRUE POINT OF BEGINNING; Thence along said right of way of Culpepper Street South 89 degrees 44 minutes 59 seconds East, a distance of 189.44 feet to a point located at the intersection of said right of way of Culpepper Street and the western side of a 60 foot right of way of English Street; Thence along said right of way of English Street South 00 degrees 40 minutes 12 seconds West, a distance of 204.00 feet to a point; Thence leaving said right of way of English Street North 89 degrees 44 minutes 48 seconds West, a distance of 95.86 feet to a point; Thence South 00 degrees 59 minutes 18 seconds West, a distance of 47.99 feet to a point; Thence South 89 degrees 44 minutes 25 seconds East, a distance of 96.06 feet to a point on said right of way of English Street; Thence along said right of way of English Street South 01 degrees 07 minutes 47 seconds West, a distance of 144.01 feet to a point located at the intersection of said right of way of English Street and the northern side of a 30 foot right of way (not open) of Division Street; Thence along said right of way of Division Street North 89 degrees 44 minutes 19 seconds West, a distance of 191.40 feet to a point located at the intersection of said right of way of Division Street and the eastern side of a 40 foot right of way (not open) of Booth Avenue; Thence along said right of way of Booth Avenue North 01 degrees 07 minutes 47 seconds East, a distance of 396.00 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 70,944 square feet, or 1.628 acres of land, more or less.

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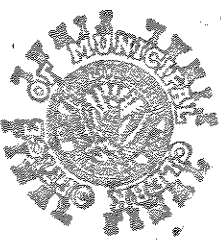
LEGAL DESCRIPTION  
TRACT 6

All that parcel of land lying and being in Land Lot 188, 17<sup>th</sup> District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at a point located at the intersection of the eastern side of a 60 foot right of way of English Street and the northern side of a variable right of way of Huff Road, said point being the TRUE POINT OF BEGINNING; Thence along said right of way of English Street North 00 degrees 07 minutes 42 seconds West, a distance of 178.06 feet to a point; Thence continuing along said right of way of English Street North 00 degrees 10 minutes 56 seconds East, a distance of 51.26 feet to a point located at the intersection of said right of way of English Street and the southern side of an alley; Thence leaving said right of way of English Street along said side of alley North 88 degrees 25 minutes 28 seconds East, a distance of 372.33 feet to a point located at the intersection of said side of alley and the western side of a 60 foot right of way of Boyd Avenue; Thence along said right of way of Boyd Avenue South 00 degrees 24 minutes 19 seconds East, a distance of 246.35 feet to a point located at the intersection of said right of way of Boyd Avenue and the northern side of a variable right of way of Huff Road; Thence along said right of way of Huff Road along a curve to the left having a radius of 538.25 feet, an arc length of 231.79 feet, with a chord bearing of North 84 degrees 10 minutes 48 seconds West, with a chord distance of 230.00 feet to a point; Thence continuing along said right of way of Huff Road South 83 degrees 29 minutes 05 seconds West, a distance of 145.84 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 83,230 square feet, or 1.910 acres of land, more or less.

2-06-135



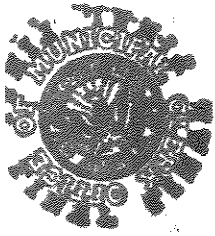
LEGAL DESCRIPTION  
TRACT 7

All that parcel of land lying and being in Land Lot 188, 17<sup>th</sup> District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Begin at a point located on the eastern side of a 60 foot right of way of English Street South 00 degrees 40 minutes 12 seconds West, a distance of 139.98 feet from its intersection with the southern side of a variable right of way of Culpepper Street, said point being the TRUE POINT OF BEGINNING; Thence leaving said right of way of English Street North 88 degrees 22 minutes 37 seconds East, a distance of 177.46 feet to a point; Thence South 00 degrees 25 minutes 28 seconds West, a distance of 499.99 feet to a iron pin found; Thence South 88 degrees 24 minutes 54 seconds West, a distance of 180.17 feet to a point on said right of way of English Street; Thence along said right of way of English Street North 00 degrees 10 minutes 56 seconds East, a distance of 157.77 feet to a point; Thence continuing along said right of way of English Street North 01 degrees 07 minutes 47 seconds East, a distance of 238.51 feet to a point; Thence continuing along said right of way of English Street North 00 degrees 40 minutes 12 seconds East, a distance of 103.71 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 89,620 square feet, or 2.057 acres of land, more or less.

8-06-135



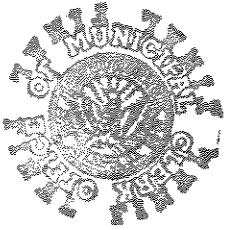
LEGAL DESCRIPTION  
TRACT 8

All that parcel of land lying and being in Land Lot 188, 17<sup>th</sup> District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Begin at a point on the western side of a 60 foot right of way of Boyd Avenue North 00 degrees 24 minutes 19 seconds West, a distance of 199.87 feet from its intersection with the northern side of a 10 foot alley, said point being the TRUE POINT OF BEGINNING; Thence leaving said right of way of Boyd Avenue South 88 degrees 29 minutes 32 seconds West, a distance of 179.17 feet to a point; Thence North 00 degrees 22 minutes 30 seconds East, a distance of 149.94 feet to a point; Thence North 88 degrees 29 minutes 08 seconds East, a distance of 177.13 feet to a point on said right of way of Boyd Avenue; Thence along said right of way of Boyd Avenue South 00 degrees 24 minutes 19 seconds East, a distance of 149.91 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 26,699 square feet, or 0.612 acres of land, more or less.

2-06-135



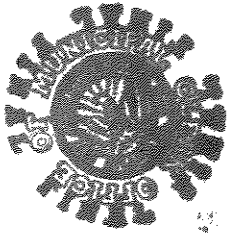
LEGAL DESCRIPTION  
TRACT 9

All that parcel of land lying and being in Land Lot 188, 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Begin at a point on the eastern side of a 60 foot right of way of English Street 57.08 feet northerly from its intersection with the centerline of the 40 foot right of way of Culpepper Street (not in use), said point being the TRUE POINT OF BEGINNING; Thence continuing along the right-of-way of English Street North 30 degrees 06 minutes 49 seconds East a distance of 45.80 feet to a point; Thence continuing along the right-of-way of English Street North 35 degrees 53 minutes 03 seconds East a distance of 64.99 feet to an iron pin found; Thence leaving the right-of-way of English Street North 87 degrees 58 minutes 46 seconds East a distance of 524.99 feet to an iron pin found; Thence South 00 degrees 03 minutes 17 seconds West a distance of 158.28 feet to a point on the northern right-of-way of Culpepper Street; Thence continuing along said right of way of Culpepper Street South 89 degrees 33 minutes 05 seconds West a distance of 399.99 feet to a point; Thence leaving the right-of-way Culpepper Street North 01 degrees 02 minutes 53 seconds West a distance of 25.87 feet to a point; Thence North 89 degrees 22 minutes 17 seconds West a distance of 156.02 feet to a point; Thence North 51 degrees 37 minutes 52 seconds West a distance of 37.14 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 79,935 square feet, or 1.835 acres of land, more or less.

2-06-735



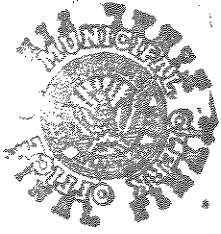
LEGAL DESCRIPTION  
TRACT 10

All that parcel of land lying and being in Land Lot 188, 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at the intersection of the southern side of a 40 foot right of way of Culpepper Street (not in use) and the eastern side of a 60 foot right of way of English Street, said point being the TRUE POINT OF BEGINNING; Thence along said right of way of North 89 degrees 06 minutes 21 seconds East, a distance of 346.17 feet to a point; Thence leaving said right of way of Culpepper Street South 00 degrees 24 minutes 19 seconds East, a distance of 63.20 feet to a point; Thence along a curve to the left having a radius of 47.70 feet, an arc length of 26.77 feet, with a chord bearing of North 70 degrees 59 minutes 05 seconds West, with a chord distance of 26.42 feet to a point; Thence North 87 degrees 03 minutes 27 seconds West, a distance of 148.12; Thence South 88 degrees 22 minutes 11 seconds West, a distance of 177.10 feet to a point on said right of way of English Street; Thence along said right of way of English Street along a curve to the right having a radius of 284.21 feet, an arc length of 46.79 feet, with a chord bearing of North 04 degrees 07 minutes 38 seconds West, with a chord distance of 46.74 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 16,698 square feet, or 0.383 acres of land, more or less.

206-B5



LEGAL DESCRIPTION

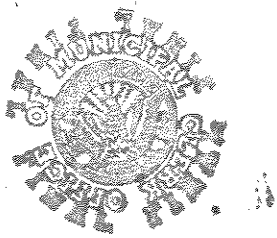
TRACT 11

All that parcel of land lying and being in Land Lot 188, 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at the intersection of the southern side of a 40 foot right of way of Culpepper Street (not in use) and the eastern side of a 60 foot right of way of Boyd Avenue, said point being the TRUE POINT OF BEGINNING; Thence along said right of way of Culpepper Street North 89 degrees 06 minutes 21 seconds East, a distance of 180.00 feet to a point; Thence leaving said right of way of Culpepper Street South 00 degrees 24 minutes 32 seconds East, a distance of 51.96 feet to a point; Thence South 89 degrees 20 minutes 38 seconds West, a distance of 180.00 feet to a point on said right of way of Boyd Avenue; Thence along said right of way of Boyd Avenue North 00 degrees 24 minutes 19 seconds West, a distance of 51.21 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 9,284 square feet, or 0.213 acres of land, more or less.

2-06-135



LEGAL DESCRIPTION  
TRACT 12

All that parcel of land lying and being in Land Lot 188, 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at a point on the eastern side of a 60 foot right of way of Boyd Avenue South 00 degrees 24 minutes 19 seconds East, a distance of 102.42 feet from the intersection of the southern side of a 40 foot right of way of Culpepper Street (not in use), said point being the TRUE POINT OF BEGINNING; Thence leaving said right of way of Boyd Avenue North 89 degrees 34 minutes 54 seconds East, a distance of 184.74 feet to a iron pin found; Thence South 00 degrees 29 minutes 58 seconds East, a distance of 50.15 feet to a iron pin found; Thence South 89 degrees 38 minutes 31 seconds West, a distance of 184.82 feet to a point on said right of way of Boyd Avenue; Thence along said right of way Boyd Avenue North 00 degrees 24 minutes 19 seconds West, a distance of 49.95 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 9,247 square feet, or 0.212 acres of land, more or less.

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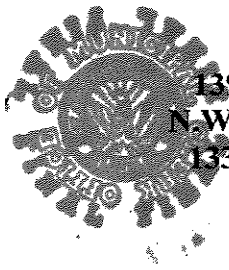
LEGAL DESCRIPTION  
TRACT 14

All that parcel of land lying and being in Land Lot 188, 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at the intersection of the southern side of a 30 foot right of way of Division Street (not open) and the eastern side of a 40 foot right of way of Booth Avenue, said point being the TRUE POINT OF BEGINNING; Thence along said right of way of Division Street South 89 degrees 44 minutes 16 seconds East, a distance of 191.40 feet to a point located at the intersection of said right of way of Division Street and the western side of a 60 foot right of way of English Street; Thence along said right of way of English Street South 01 degrees 07 minutes 47 seconds West, a distance of 11.81 feet to a point; Thence continuing along said right of way of English Street South 00 degrees 55 minutes 11 seconds West, a distance of 84.19 feet to a point; Thence leaving said right of way of English Street North 89 degrees 44 minutes 15 seconds West, a distance of 191.36 feet to a point on said right of way of Booth Avenue; Thence along said right of way of Booth Avenue North 00 degrees 53 minutes 04 seconds East, a distance of 80.77 feet to a point; Thence continuing along said right of way of Booth Avenue North 01 degrees 07 minutes 47 seconds East, a distance of 15.23 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 18,372 square feet, or 0.421 acres of land, more or less.

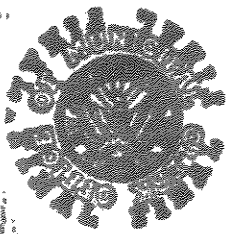
2-26-135



### Conditions for Z-06-135

1393 Ellsworth Drive, N.W./1291, 1293, 1295, 1315, 1455 and 1429 Fairmont Avenue, N.W./1296, 1338, 1365, 1385, 1385A, 1310, 1314, 1339, 1335, 1331, 1329, 1327, 1319, 1315, 1333, 1305, 1310, 1295, 1289, 1285, 1291, 1351 English Street, N.W./0, 1021, 1039, 1031, 1025, 991 Huff Road, N.W./1314, 1313, 1309, 1291, 1292 Booth Avenue, N.W.  
1370 Culpepper Street, N.W.  
1284, 1288, 1324, 1336, 1340, 1368, 1296, 1373, 1363 Boyd Avenue, N.W.

1. Zoning of the subject property is conditioned on general conformance with site plan entitled "Zoning Site Plan for Huff Road," prepared by Tunnell-Spangler-Walsh & Associates, dated 02/20/07. Said site plan is hereinafter referred to as the Master Site Plan.
2. Street locations shall be developed in a manner substantially similar to that shown on the Master Site plan, provided that exact locations thereof may vary up to 100 horizontal feet, and provided that an interconnected street system is maintained. Street widths may also vary from the dimensions shown on the Master Site Plan, but shall meet the requirements of either the City of Atlanta Land Subdivision Ordinance or the City of Atlanta Negotiated Traditional Neighborhood Development Street Standards.
3. The total maximum number of residential units in the entire development shall not exceed 1,450 (2,900,000 square feet of floor area and as many as 2,900 off-street parking spaces) and the total maximum non-residential floor area in the entire development shall not exceed 150,000 square feet of floor area (as many as 700 off-street parking spaces). Mix allocation shown on the Master Plan is for illustrative purposes only; residential units and non-residential floor area may be reallocated between buildings.
4. Minimum supplemental zones shall be as follows;
  - a. Along Huff Road, Fairmont Avenue, and adjacent to single family dwellings: 5 feet as measured from the back of the new sidewalk;
  - b. All other locations: 0 feet.
5. Minimum setbacks shall be as follows:
  - a. Side setback: 0 feet
  - b. Rear setback: 0 feet
6. No building shall have a height exceeding 1,031 feet above Mean Sea Level. This represents an average building height of 85 feet along Huff Road.
7. A minimum 1.8 acre park roughly bounded by Culpepper Street, Fairmont Avenue, English Street, and New Street shall be provided as shown on the Master Site Plan. All other parks, mews, and other open spaces on the Master Site Plan are for illustrative purposes only and may be moved provided that the minimum Useable Open Space requirements of Paragraph 8 are met.
8. Useable Open Space requirements shall be a minimum of 420,800 square feet (9.66 acres).



Development Intensity and Use:

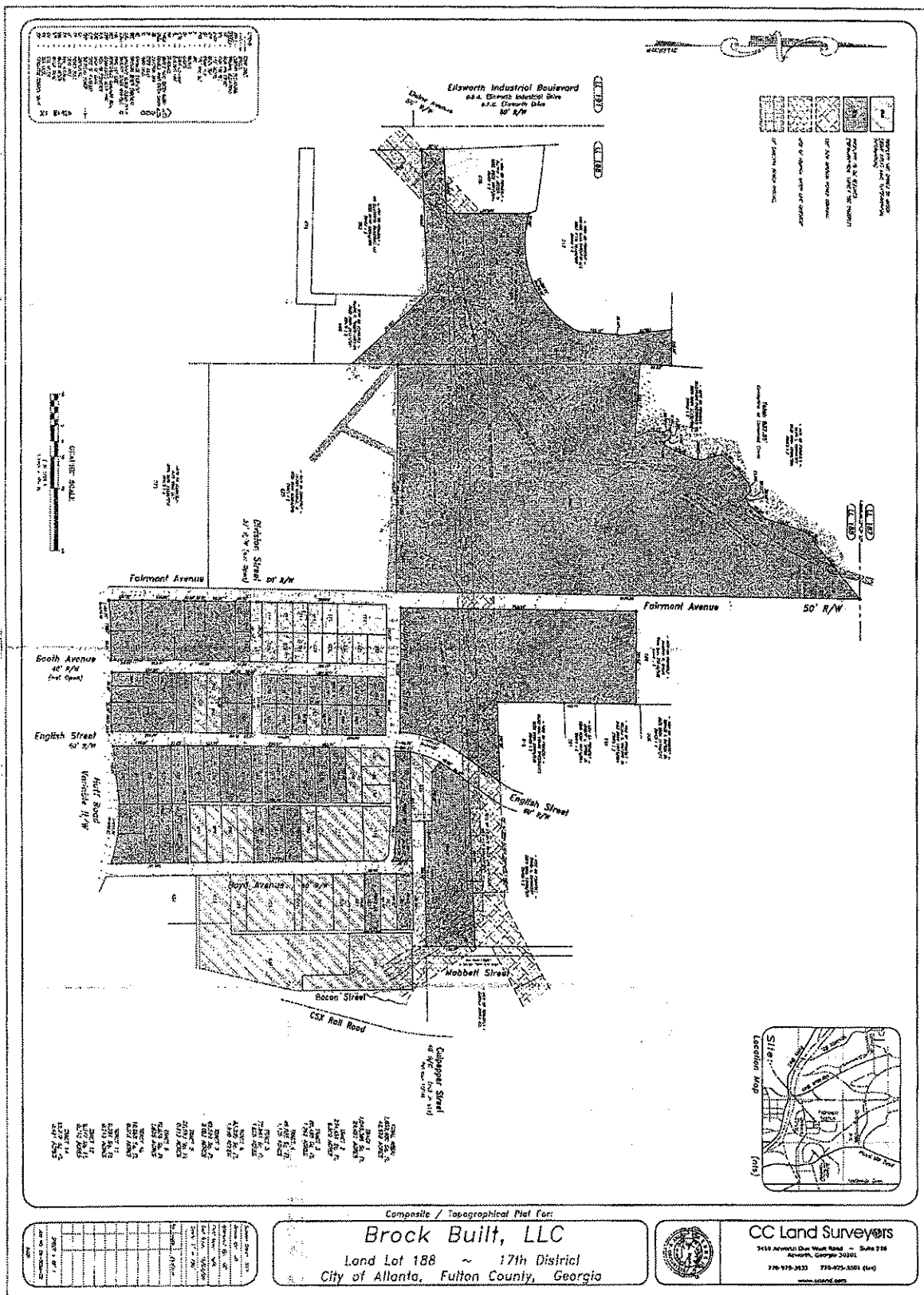
- a. Provide a mixture of residential and commercial uses.
- b. Provide a centrally located green space as shown on the site plan and labeled "Park" in Block F.
- c. Preserve 25 feet along the northern property line abutting the property labeled "Jonathan M. Bryant" on the site plan in order to extend New Street B to intersect with English Street.
- d. Preserve 108 feet of right-of-way between Ellsworth Industrial Boulevard and Fairmont Avenue as shown on the site plan and labeled "New Parkway." [This condition shall apply only to property owned by the developer per discussions with Planning & Community Development staff on March 29, 2007.]
- e. Preserve a maximum of 10 feet of additional right-of-way along Huff Road along the property frontage.

Road Connectivity:

- f. Extend Fairmont Avenue from Huff Road to the northern property line as shown on the site plan.
- g. Provide a vehicular connection between Ellsworth Industrial Boulevard and English Street as shown on the site plan and labeled "New Parkway"/"New Street E."
- h. Provide two vehicular access points to the westernmost multi-family buildings in Block M as shown on the site plan. One access point shall be to New Parkway and the other shall be to New Street B as shown on the site plan.

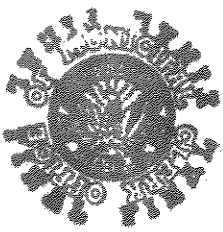
Pedestrian, Bicycle and Transit Facilities:

- i. Provide a pedestrian access between Division Street and Boyd Avenue.
  - j. Provide sidewalks on both sides of all roads. This shall not apply to alleys.
  - k. Provide sidewalks along the property frontage abutting Huff Road, Fairmont Avenue, Culpepper Street, Booth Avenue, English Street, and Boyd Avenue.
  - l. Provide bicycle racks near the entrances of all non-residential uses and multi-family buildings.
  - m. Provide covered bus shelters and full cement pads at all existing and proposed MARTA bus stops located along the property frontage abutting Huff Road.
18. The project's western vehicular connection point at Ellsworth Industrial Boulevard shall be restricted to right-in/right-out traffic movements unless an alternate intersection improvement involving a realignment of Elaine Avenue occurs in a manner acceptable to the City or another traffic solution at this intersection acceptable to the developer is approved by the City. [This condition is the result of discussions with Planning & Community Development staff on March 29, 2007.]



Z-06-135  
amanda





## Parcel Numbers

17 01880001020	1393 Ellsworth Dr NW
17 01880001023	1455 Fairmont Ave NW
17 01880002017	1429 Fairmont Ave NW
17 01880002020	1338 English St NW
T17 01880002035 01	1365 English St NW
17 01880002039	1385 English St NW
17 01880002042	1385A English St NW
17 01880004016	1039 Huff Rd NW
17 01880004017	1031 Huff Rd NW
17 01880004024	1314 Booth Ave NW
17 01880004041	1313 Booth Ave NW
17 01880004042	1309 Booth Ave NW
17 01880004046	1291 Booth Ave NW
17 01880004048	1025 Huff Rd NW
17 01880004057	1310 English St NW
17 01880004058	1314 English St NW
17 01880004068	1339 English St NW
17 01880004069	1335 English St NW
17 01880004070	1331 English St NW
17 01880004071	1329 English St NW
17 01880004072	1327 English St NW
17 01880004073	1319 English St NW
17 01880004074	1315 English St NW
17 01880004075	1333 English St NW
17 01880004076	1305 English St NW
17 01880004077	1310 English St NW
17 01880004078	1295 English St NW
17 01880004079	1291 English St NW

*Z-06-135  
amended*



17 01880004080  
17 01880004081  
17 01880004082  
17 01880004084  
17 01880004085  
17 01880004092  
17 01880004093  
17 01880004094  
17 01880004102  
17 01880004103  
17 01880004108  
17 01880004109  
17 01880004110  
17 01880004112  
17 01880004113  
17 01880004116  
17 01880004117  
17 01880004119  
17 01880004120  
17 01880004121  
17 01880005001  
17 01880005003

1289 English St NW  
1285 English St NW  
991 Huff Rd NW  
1284 Boyd Ave NW  
1288 Boyd Ave NW  
1324 Boyd Ave NW  
1336 Boyd Ave NW  
1340 Boyd Ave NW  
1368 Boyd Ave NW  
1291 Fairmont Ave NW  
1315 Fairmont Ave NW  
1370 Culpepper St NW  
1296 Boyd Ave NW  
1021 Huff Rd NW  
1296 English St NW  
1293 Fairmont Ave NW  
1351 English St NW  
1295 Fairmont Ave NW  
1292 Booth Ave NW  
0 Huff Rd NW  
1373 Boyd Ave NW  
1363 Boyd Ave NW

Z-06-135  
revised

RCS# 1163  
5/07/07  
6:09 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 06-O-2579, ~~07-O-0258~~, 07-O-0262, 07-O-0386  
07-O-0387  
ADOPT AS AMEND

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	E Willis
Y Winslow	NV Muller	Y Sheperd	NV Borders

MULTIPLE

# COMMITTEE AMENDMENT FORM

DATE: 05/02/07

COMMITTEE      ZONING      PAGE NUM. (S)    

ORDINANCE I. D. #07-O-0258      SECTION (S)

RESOLUTION I. D. #07-R-      PARA.

AMENDS THE LEGISLATION BY ADDING EIGHTEEN (18)  
CONDITIONS INCLUDING A SITE PLAN DATED 02/20/07.

Handwritten signature and initials, possibly "mg" and "F. 1/20/07".

AMENDMENT DONE BY COUNCIL STAFF 05/02/07

City Council  
Atlanta, Georgia

**07- 0 -0258**

AN ORDINANCE  
BY: ZONING COMMITTEE

**Z-06-135**  
Date Filed: 12-12-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1393 Ellsworth Drive, N.W./1293, 1295, 1455 and 1429 Fairmont Avenue, N.W./1296, 1338, 1365, 1385, 1310, 1314, 1339, 1335, 1331, 1329, 1372, 1319, 1315, 1333, 1305, 1310, 1295, 1289, 1285 English Street,/N.W./0, 1039, 1031, 1025, 991 Huff Road, N.W./1314, 1313, 1309, 1291 Booth Avenue,/1370 Culpepper Street, N.W. and 1284, 1288, 1324, 1336, 1340, 1368, 1296, 1373, 1363 Boyd Avenue, N.W.,** be changed from the I-1 (Light Industrial) and I-2 (Heavy Industrial) Districts to the PDMU (Planned Development Mixed Use) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 187 and 188. 17<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

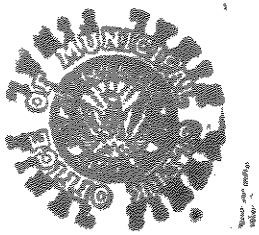
SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

## Parcels Numbers

17 01880001020	1393 Ellsworth Dr NW
17 01880001023	1455 Fairmont Ave NW
17 01880002017	1429 Fairmont Ave NW
17 01880002020	1338 English St NW
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17 01880004072	1327 English St NW
17 01880004073	1319 English St NW
17 01880004074	1315 English St NW
17 01880004075	1333 English St NW
17 01880004076	1305 English St NW
17 01880004077	1310 English St NW
17 01880004078	1295 English St NW
17 01880004079	1291 English St NW
17 01880004080	1289 English St NW
17 01880004081	1285 English St NW
17 01880004082	991 Huff Rd NW
17 01880004084	1284 Boyd Ave NW

17 01880004085	1288 Boyd Ave NW
17 01880004092	1324 Boyd St NW
17 01880004093	1336 Boyd Ave NW
17 01880004094	1340 Boyd Ave NW
17 01880004102	1368 Boyd St NW
17 01880004103	1291 Fairmont Ave NW
17 01880004108	1315 Fairmont Ave NW
17 01880004109	1370 Culpepper St NW
17 01880004110	1296 Boyd Ave NW
17 01880004112	1021 Huff Rd NW
17 01880004113	1296 English St NW
17 01880004116	1293 Fairmont Ave NW
17 01880004117	1351 English St NW
17 01880004119	1295 Fairmont Ave NW
17 01880004120	1292 Booth Ave NW
17 01880004121	0 Huff Rd NW
17 01880005001	1373 Boyd Ave NW
17 01880005003	1363 Boyd Ave NW





City Council  
Atlanta, Georgia

**07-O-0258**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**Z-06-135**  
Date Filed: 12-12-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1393 Ellsworth Drive, N.W./1291, 1293, 1295, 1315, 1455 and 1429 Fairmont Avenue, N.W./1296, 1338, 1365, 1385, 1385A, 1310, 1314, 1339, 1335, 1331, 1329, 1327, 1319, 1315, 1333, 1305, 1310, 1295, 1289, 1285, 1291, 1351 English Street, N.W./0, 1021, 1039, 1031, 1025, 991 Huff Road, N.W./1314, 1313, 1309, 1291, 1292 Booth Avenue, N.W./1370 Culpepper Street, N.W. and 1284, 1288, 1324, 1336, 1340, 1368, 1296, 1373, 1363 Boyd Avenue, N.W.** be changed from the I-1 (Light Industrial) and I-2 (Heavy Industrial) Districts to the PDMU (Planned Development Mixed Use) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 187 and 188 17<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

07-0 -0258

(Do Not Write Above This Line)

AN ORDINANCE Z-06-135  
BY: ZONING COMMITTEE

An Ordinance to rezone from the I-1 (Light Industrial) and I-2 (Heavy Industrial) Districts to the PDNU (Planned Development Mixed Use) District, property located at 1393 Ellsworth Drive, N.W./1293, 1295, 1455 and 1429 Fairmont Avenue, N.W./1296, 1338, 1365, 1385, 1310, 1314, 1339, 1335, 1331, 1329, 1372, 1319, 1315, 1333, 1305, 1310, 1295, 1289, 1285 English Street/N.W./0, 1039, 1031, 1025, 991 Huff Road, N.W./1314, 1313, 1309, 1291 Booth Avenue/1370 Cuipepper Street, N.W. and 1284, 1288, 1324, 1336, 1340, 1368, 1296, 1373, 1363 Boyd Avenue, N.W., Depth, varies. Area: approximately 43 acres. Land Lots 187 and 188, 17<sup>th</sup> District, Fulton County, Georgia.

OWNER: BROCK BUILT, LLC, TERRELL MILL ROAD, LLC, MARLETTA ROAD III, LLC, NORTHWEST INTOWN DEVELOPMENT, LLC, STEVE BROCK WITH BROCK BUILT, MARLETTA ROAD I, LLC, GLENN SCHICK, STEVE BROCK, AL LITTLE, JOHN CARY, JOYCE GIBSON

APPLICANT: BROCK BUILT, LLC/BROCK ZOECKLER

NPUD: **AS AMENDED**  
**ADOPTED BY**  
COUNCIL DISTRICT 7

- ☐ CONSENT REFER MAY 07 2007
- ☒ REGULAR REPORT REFER COUNCIL
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred 2/19/07

Referred To: ZEB/zoning

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Zoning  
Date Feb. 07/2007  
Chair  
Referred To

Committee Zoning  
Date 2/20/07  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To

Committee  
Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To

Committee  
Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To

Committee  
Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To

FINAL COUNCIL ACTION  
☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
MAY 07 2007

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED  
MAY 07 2007

MAYOR'S ACTION

MAY 14 2007

MAYOR